

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY WAYNE BROWN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 3:14-cv-05447-RJB-KLS

ORDER AFFIRMING DEFENDANT'S
DECISION TO DENY BENEFITS

This matter comes before the Court on the Report and Recommendation of Judge Karen L. Strombom, United States Magistrate Judge. Dkt. 23. The Court has considered plaintiff's complaint (Dkt. 3), the Report and Recommendation (Dkt. 23), objections to the Report and Recommendation and related responsive briefing (Dkt. 23; Dkt. 25), and the file therein.

Having reviewed the record, the Court adopts the Report and Recommendation, which affirms Defendant's denial of Plaintiff's application for disability insurance and supplemental security income ("SSI") benefits. *See* Dkt. 23. The Court also finds Plaintiff's objections to the Report and Recommendation to be unpersuasive. First, Plaintiff objects on the basis that the ALJ did not provide legally sufficient reasons to reject Plaintiff's expert witness, Dr. Christmas Covell. Dkt. 23, at 1-4. However, as the Report and Recommendation points out, although "the ALJ did not incorporate Dr. Covell's opinion word-for-word, the ALJ did not improperly characterize the functional limitations opined by Dr. Covell," Dkt. 21, at 9, because the ALJ need not "repea[t] each functional limitation verbatim in the RFC assessment" but may instead

1 “synthesize and translate assessed limitations.” *Quill v. Colvin*, 2014 WL 3608894 (E.D. Wash.
2 2014) (citing *Stubbs-Danielson v. Astrue*, 539 F.3d 1219, 1228 (9th Cir. 2008). Second, Plaintiff
3 objects that the ALJ did not provide legally sufficient reasons to discredit Plaintiff’s subjective
4 testimony. Dkt. 23, at 4-7. Plaintiff is mistaken. The ALJ’s opinion shows clear and convincing
5 reasons to reject Plaintiff’s testimony, including the ALJ’s finding that (1) Plaintiff’s allegations
6 were not supported by the objective medical evidence; (2) Plaintiff’s allegations were not
7 supported by his own statements; and (3) Plaintiff’s own statements were contradictory. ALJ AR
8 41-45.
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10 Accordingly, the Court **HEREBY ORDERS** that:

- 11 (1) the Court adopts the Report and Recommendation (Dkt. 23); and
12 (2) the administrative decision is **AFFIRMED**.
13 (3) The Clerk shall direct copies of this Order to all parties and to Magistrate Judge
14 Strombom.
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16 DATED this 10th day of April, 2015.

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19 ROBERT J. BRYAN
20 United States District Judge
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